

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROQUE PEREZ,

Plaintiff,

v.

LESTER W. GREEN, EDWARDO J.
JUSTINIANO, GUILLERMO J. SORAIRES,
and LUIS R. SORAIRES,
Defendants.

USDC SDNY
DOCUMENT
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ORDER

20 CV 9289 (VB)

Plaintiff brings this action invoking subject matter jurisdiction by reason of diversity of citizenship under 28 U.S.C. § 1332.

To invoke diversity jurisdiction under 28 U.S.C. § 1332, there must be complete diversity of citizenship. Caterpillar Inc. v. Lewis, 519 U.S. 61, 68 (1996). Thus, 28 U.S.C. § 1332 “applies only to cases in which the citizenship of each plaintiff is diverse from the citizenship of each defendant.” Id.; see also Lincoln Prop. Co. v. Roche, 546 U.S. 81, 89 (2005). Specifically, 28 U.S.C. § 1332(a)(2) applies when the dispute is between “citizens of a State and citizens or subjects of a foreign state.” However, the Court does not have subject matter jurisdiction under Section 1332(a)(2) when the action is “between citizens of a State and citizens or subjects of a foreign state who are lawfully admitted for permanent residence in the United States and are domiciled in the same State.”

The complaint alleges plaintiff “is a citizen of the Republic of Mexico, [and] resides and still resides in Middletown, New York.” It also alleges that all four defendants are citizens of New York. But the complaint is silent as to whether plaintiff is or is not “lawfully admitted for permanent residence in the United States.”

Accordingly, by November 13, 2020, without disclosing plaintiff’s immigration status, plaintiff’s counsel shall submit a letter stating whether his client is lawfully admitted for permanent residence in the United States.

Dated: November 6, 2020
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge